

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 05-CR-10175-WGY-1
)	
v.)	
)	
NADINE J. GRIFFIN,)	
)	
Defendant.)	

UNITED STATES' RESPONSE TO DEFENDANT'S AFFIDAVITS FILED ON
OCTOBER 14, 2005

The United States, by and through its undersigned attorney, hereby files its Response to Defendant's Affidavits Filed on October 14, 2005.

On October 6, 2005, defendant filed a motion to Move for a Bill of Particulars under the Fifth and Sixth Amendment to the United States Constitution, and defendant also filed a Memorandum in Support thereof. On October 13, 2005, the Court issued an order requiring the United States to particularize any fact which it contends would raise the base offense level of this offense under the United States Sentencing Guidelines; the Court otherwise denied defendant's motion for a bill of particulars. The following day, on October 14, 2005, defendant filed an Affidavit in Support of Move for Bill of Particulars, and again asked for a bill of particulars.

On October 24, 2005, in response to the Court order, the United States filed a motion that set forth the facts to support

the base offense level and a sophisticated concealment enhancement under the United States Sentencing Guidelines.

Because the Court denied defendant's previous request for a bill of particulars and ordered the United States to provide the facts which establish the base offense level, and because the United States filed its motion in response to that order, defendant's motion for a bill of particulars dated October 14, 2005 should be denied. As a result, no additional response to defendant's most recent request for a bill of particulars appears necessary at this time. Nevertheless, in the event additional briefing is required, the United States respectfully requests leave to submit additional briefing.

Further, in a separate affidavit filed on October 14, 2005, defendant states at least twice that she is not waiving her Sixth Amendment right to counsel. Defendant's statement in that affidavit appears inconsistent with what took place at the Faretta hearing on September 27, 2005. At that hearing, the Court found that defendant was making a knowing and intelligent waiver of her Sixth Amendment right to counsel. Accordingly, it appears that defendant is attempting to withdraw her waiver of her Sixth Amendment right to counsel. As a result, another Faretta hearing maybe necessary to clarify defendant's need for counsel.

WHEREFORE, the United States respectfully submits this motion and respectfully requests that the Court consider whether another Faretta hearing is necessary to address defendant's apparent withdrawal of her waiver of her Sixth Amendment right to counsel.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

_____/s/
CHRISTOPHER J. MAIETTA
Trial Attorney
U.S. Department of Justice
Tax Division
(202) 514-4661

Dated: October 28, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day, October 28th, 2005, served upon the person listed below a copy of the foregoing document by mail:

Nadine J. Griffin
13799 Park Blvd. North
#244
Seminole, Florida 33776-3402

/s/
CHRISTOPHER J. MAIETTA
Trial Attorney
U.S. Department of Justice
Tax Division